

**ORDINANCE NO. 07-\_\_\_\_\_**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COSTA MESA, CALIFORNIA, AMENDING SECTIONS 5-1, 5-1.1, 5-2, 5-3, 5-12, AND 5-95 OF TITLE 5 AND SECTIONS 7-14 THROUGH 7-21 OF TITLE 7 OF THE COSTA MESA MUNICIPAL CODE BY ADOPTING THE 2007 EDITIONS OF THE CALIFORNIA CODES AND RELATED MODEL CODES WITH APPENDICES AND AMENDMENTS THERETO**

THE CITY COUNCIL OF THE CITY OF COSTA MESA DOES HEREBY ORDAIN AS FOLLOWS:

*Section 1*

Section 5-1 of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

**“Sec. 5-1 Construction Codes Adopted.**

For the purpose of prescribing regulations for erecting, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment use, height, and area of buildings and structures, the following construction codes subject to the modifications set forth in this Chapter, are hereby adopted: the California Building Code, 2007 Edition, based on the 2006 International Building Code as published by the International Code Council, including Appendix Chapter 1; the California Plumbing Code, 2007 Edition, based on the 2006 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials, including Appendix A and Appendix L; the California Mechanical Code, 2007 Edition, based on the 2006 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Electrical Code, 2007 Edition, based on the 2005 National Electrical Code as published by the National Fire Protection Association; the International Property Maintenance Code, 2006 Edition, as published by the International Code Council; the Uniform Code For The Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council. For the purpose of prescribing regulations for grading and excavations, the most current Orange County Grading and Excavation Code is hereby adopted. The provisions of these Construction Codes as amended by this chapter shall constitute the Building Regulations of the City of Costa Mesa. Where the California Code of Regulations and State Building Standards Code of Regulations differ from any sections of the Construction Codes, State regulations shall prevail over the Construction Codes.

One (1) copy of all the above codes and standards therefore are on file in the office of the building official pursuant to Health and Safety Code Section 18942 (d) (1) and are made available for public inspection.

Notwithstanding the provisions of the above-referenced construction codes, all fees for services provided pursuant to the construction codes shall not take effect until a resolution for such fees is adopted by the City Council pursuant to California Government Code Sections 66016 and 66020.”

## Section 2

Section 5-1.1 of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

### **“Sec. 5-1.1 Amendments to the 2007 California Building Code.**

- a) **202** “High-rise structure” means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet (16,764 mm) above the lowest floor level having building access (see Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.
- b) **403.10.2 Standby power loads.** The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.8;
2. Electrically powered fire pumps.

Standby power shall be provided for elevators in accordance with Sections 1007.4 and 3003.

- c) **403.11.1 Emergency power loads.** The following are classified as emergency power loads:
1. Exit signs and means of egress illumination required by Chapter 10;
  2. Elevator car lighting;
  3. Emergency voice/alarm communications systems;
  4. Automatic fire detection systems;
  5. Fire alarm systems; and
  6. Ventilation and automatic fire detection equipment for smokeproof enclosures.

d)

**TABLE 1505.1<sup>a</sup>**  
**MINIMUM ROOF COVERING CLASSIFICATIONS**  
**TYPES OF CONSTRUCTION**

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
B	B	B	B	B	B	B	B	B

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m<sup>2</sup>.

a. Unless otherwise required in accordance with Chapter 7A.

- e) **1505.1.3 Roof coverings within all other areas.** The entire roof covering of

every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

### Section 3

Section 5-2 (a) of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

“(a) Enforcement of the Construction Codes adopted by section 5-1 shall be the responsibility of the building official. All references to the building official or director of building and safety shall deem to mean the building official responsible for the division of building and code enforcement.”

Section 5-2 (d) of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

“(d) Where, in any specific case, different sections of the Construction Codes specify different materials, methods of construction or other requirements, the most restrictive shall govern.”

Section 5-3 (b) of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

“(b) The above-referenced appeals shall be filed with the building official on application forms established by the appeals board and consistent with the Construction Codes adopted in section 5-1. An appeal application fee shall be paid to process the appeal as set by resolution of city council. Notice of the appeal and appeal hearing shall comply with the Construction Codes adopted in section 5-1.”

Section 5-3 (f) of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

“(f) Where a notice and order of the building official or decision of an appeals board under this section becomes final and a violation of this title has been determined to exist, the city attorney is hereby authorized to commence civil or criminal proceedings to abate the violation of the provisions of this title. A violation of any provision of this title shall constitute a public nuisance and costs for abatement, including attorney’s fees and court costs, shall be subject to reimbursement from the property owner to the city pursuant to the Construction Codes adopted in section 5-1.”

Section 5-12 of Chapter I, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

“Refund of any fee paid by the applicant pursuant to this title may be made as provided in the Construction Codes adopted in section 5-1 or by established policy.”

Section 5-95 of Chapter V, Title 5, of the Costa Mesa Municipal Code is hereby amended to read as follows:

“Except as hereinafter provided all words and phrases as used in this chapter shall have the same meanings as set forth in the California Building Code, and amendments thereto:

Street. Shall mean a public street, road, alley, highway, right-of-way or other ways dedicated to and for the public’s use for travel.”

#### Section 4

Section 7-14 of Chapter II, Title 7, of the Costa Mesa Municipal Code is hereby amended to read as follows:

##### **“Sec. 7-14 Adoption of the California Fire Code.**

There is hereby adopted by the city council of the City of Costa Mesa, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain code known as the California Fire Code, 2007 Edition, based on the 2006 International Fire Code as published by the International Code Council, including Appendix Chapter 1, Appendix Chapter 4, Appendix B, Appendix C, and Appendix H, of which not less than one (1) copy is filed in the office of the city clerk and the same is hereby adopted and incorporated as fully as if set out at length herein, and from the date on which this chapter shall take effect, the provisions thereof shall be controlling within the limits of the City of Costa Mesa.”

#### Section 5

Section 7-15 of Chapter II, Title 7, of the Costa Mesa Municipal Code is hereby amended to read as follows:

##### **“Sec. 7-15. Amendments to the 2007 California Fire Code.**

**202** “High-rise structure” means every building of any type of construction or occupancy having floors used for human occupancy located more than 55 feet above the lowest floor level having building access (see California Building Code, Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.”

#### Section 6

Sec. 7-21 of Chapter II, Title 7, of the Costa Mesa Municipal Code is hereby amended to read as follows:

##### **“Sec. 7-21. Modification in code.**

The chief of the fire department shall have the power to modify application of any of the provisions of the California Fire Code upon application in writing by the owner or lessee, or his duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the intent and spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such modification when granted or allowed and the decision of

the chief of the fire department thereon shall be entered upon the records of the department, and a signed copy shall be furnished to the applicant.”

Sec. 7-15, 7-16, 7-18, 7-19, and 7-20 of Chapter II, Title 7, of the Costa Mesa Municipal Code is hereby amended to delete all section no. referencing the previous Uniform Code.

Section 7

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Costa Mesa hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutionally.

PASSED AND ADOPTED at a regular meeting of the City Council of the City of Costa Mesa, held on the 16th day of October, 2007.

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ALLAN MANSOOR  
Mayor

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JULIE FOLCIK  
City Clerk

STATE OF CALIFORNIA   )  
COUNTY OF ORANGE   )       SS  
CITY OF COSTA MESA   )

CERTIFICATION FOR ORDINANCE NO. 07- \_\_\_\_.

I, JULIE FOLCIK, City Clerk and ex-officio Clerk of the City Council of the City of Costa Mesa, California, does hereby certify that the whole number of the members of the City Council of the City of Costa Mesa is 5; that the above and foregoing Ordinance No. 07- \_\_\_\_ was duly and regularly introduced, passed and adopted at a regular meeting of the City Council held on the 16th day of October, 2007 by the following vote:

COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER  
COUNCILMEMBER

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Julie Folcik, City Clerk